

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
Joan Coe,

FINAL DECISION

Complainant

Docket #FIC84-155

against

March 20, 1985

First Selectman, Town of
Simsbury,

Respondent

The above captioned matter was heard as a contested case on November 15, 1984 at which time the complainant and the respondent appeared and presented testimony, exhibits and argument on the complaint.

After consideration of the entire record the following facts are found:

1. The respondent is a public agency within the meaning of §1-18a(a), G.S.

2. In February or March of 1982 a letter was sent to the respondent by the "A" paddle tennis team regarding the condition of the paddle courts at Simsbury Farms.

3. On July 26, 1984 and again on August 2, 1984 the complainant requested of the respondent a copy of the letter from the "A" paddle team.

4. By letters dated July 30, 1984 and August 10, 1984 the respondent advised the complainant that a search of town files had been conducted and that the requested letter could not be located.

5. By letter of complaint filed with the Commission on August 14, 1984 the complainant appealed the respondent's failure to provide her with a copy of the letter. The complainant requested the imposition of a civil penalty against the respondent.

6. It is found that a search of the files of the town of Simsbury by town employees failed to reveal the letter from the "A" paddle team.

7. It is found that the complainant was given the opportunity to search town files on more than one occasion and was unable to locate the letter in question.

8. It is noted that during the months of January and February of 1984 the records administrator of the State of Connecticut assisted the town of Simsbury in purging its files of old or unneeded documents and that it is possible, if not likely, that the record in question was discarded at that time.

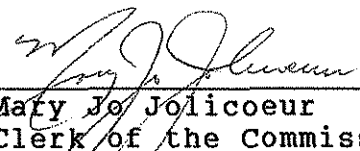
9. It is concluded that the respondent did not deny the complainant access to any existing public record within the meaning of §1-18a(d), G.S.

10. Issues raised by the complainant regarding the consequences of the respondent's receipt of the letter in question are not within the jurisdiction of this Commission and therefore will not be addressed.

The following order by the Commission is hereby recommended on the basis of the record concerning the above captioned complaint.

1. The complaint is hereby dismissed.

Approved by order of the Freedom of Information Commission at its special meeting of March 20, 1985.



Mary Jo Jolicoeur
Clerk of the Commission